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Federal Communications Commission  
Office of Secretary

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June 5, 1997

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

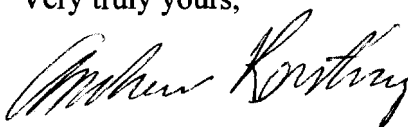
Re: Bott Communications, Inc.  
MM Docket No. 97-86; RM-9025  
Camdenton, Missouri

Dear Mr. Caton:

Enclosed herewith on behalf of Bott Communications, Inc. are an original and four copies of its "Request for Leave to File Motion to Strike," filed in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,



Andrew S. Kersting  
Counsel for  
Bott Communications, Inc.

Enclosures  
cc (w/ encl.): Certificate of Service

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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**JUN - 5 1997**

Federal Communications Commission  
Office of Secretary

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Camdenton, Missouri)

)  
)  
)  
)  
)  
)

MM Docket No. 97-86  
RM-9025

To: Chief, Allocations Branch

**REQUEST FOR LEAVE**  
**TO FILE MOTION TO STRIKE**

Bott Communications, Inc. ("Bott"), by counsel, hereby requests leave to file the accompanying Motion to Strike a portion of the "Counterproposal Reply Comments of Lake Broadcasting, Inc.," filed May 27, 1997 ("Lake Reply Comments"), in the above-captioned proceeding. In support of this request, the following is stated:

The Commission issued a *Notice of Proposed Rule Making*, 12 FCC Rcd 3518 (Chief, Allocations Branch 1997), in this proceeding proposing the allotment of Channel 265A to Camdenton, Missouri, as that community's first local commercial FM service. Bott filed a timely counterproposal proposing, instead, the allotment of Channel 265C3 to Laurie, Missouri, which would provide Laurie with its first local FM service. On May 27, 1997, Lake Broadcasting, Inc. ("Lake") filed its Reply Comments in response to Bott's counterproposal and claimed, *inter alia*, that counsel for Bott had requested the allotment of Channel 264A to Waynesville, Missouri, in another FM proceeding on behalf of another client. Lake further contended:

... Bott's counsel is legally and ethically estopped from arguing against protection of Waynesville Channel 264A in this proceeding, while the same counsel continues

to argue in favor of protecting Waynesville Channel 264A in the Columbia proceeding.

Lake Reply Comments, p. 4, citing Rule 1.7 of the D.C. Rules of Professional Conduct.<sup>1</sup> Lake therefore contends that the Commission should require Bott's counsel to adopt a "single position" with respect to the suggested allotment of Channel 264A to Waynesville, "or withdraw from representing Zimmer and/or Bott." *Id.*

As demonstrated in the attached Motion to Strike, there is no basis in fact or law for Lake's serious and unwarranted allegations that counsel for Bott has violated the D.C. Rules of Professional Conduct by taking "adverse" positions regarding the availability of Channel 264A at Waynesville in two separate rulemaking proceedings. In order to rid this proceeding, and Bott's counterproposal, of any taint of professional misconduct, Bott hereby requests leave to file the accompanying motion.

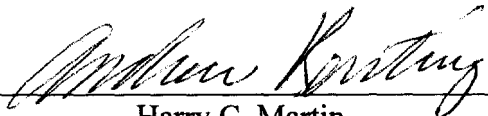
WHEREFORE, in light of the foregoing, Bott Communications, Inc. respectfully requests the Commission to GRANT this Request for Leave to File Motion to Strike.

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<sup>1</sup> Lake's reference to the "Columbia proceeding" refers to the Commission's *Report and Order in Columbia, Bourbon, Leasburg, Gerald, Dixon and Cuba, Missouri*, 10 FCC Rcd 12624 (Chief, Allocations Branch 1995), in which it granted a petition for rulemaking filed by Al Greenfield d/b/a The Greenfield Group, predecessor-in-interest to Zimmer Radio of Mid-Missouri, Inc. ("Zimmer"). Zimmer, which also is represented by the law firm of Fletcher, Heald & Hildreth, P.L.C., sought the substitution of Channel 244C1 for Channel 244C3 at Columbia, Missouri, and the corresponding modification of Zimmer's authorization for Station KCMQ(FM), Columbia, Missouri.

Respectfully submitted,

BOTT COMMUNICATIONS, INC.

By:   
Harry C. Martin  
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.  
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(703) 812-0400

June 5, 1997

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**CERTIFICATE OF SERVICE**

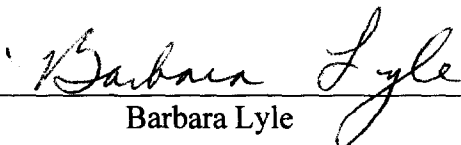
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 5th day of June, 1997, copies of the foregoing Request for Leave to File Motion to Strike were hand delivered or mailed first-class, postage prepaid, to the following:

John A. Karousos, Chief\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 565  
Washington, DC 20554

Ms. Kathleen Scheuerle\*  
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Barbara Lyle

\* Hand Delivered